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April 5, 2024

**VIA ECF**

Hon. Cathy Seibel  
United States District Judge  
United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601-4150

Re: *The Wave Studio, LLC v. General Hotel Management Ltd. et al.*,  
Case No. 7-13-cv-09239-CS-VR;

**STATUS LETTER**

Dear Judge Seibel:

We are counsel to Plaintiff The Wave Studio, LLC in this copyright infringement lawsuit and write to update Your Honor on the status of the matter and to respectfully request an additional 90 days to discuss settlement with Defendants before resuming litigation.

**Relevant Background**

In November 2023, Your Honor lifted the stay on this case and ordered Wave to file a Master Complaint with particularized allegations of Defendants' infringement of Wave's copyrighted works – to the extent such information is known to Wave. Your Honor also ordered the parties to use the 90-days after the filing of the Master Complaint to attempt to resolve the case with a neutral, and not to respond to the Master Complaint or engage in motion practice or discovery until the 90-day period ends.

Your Honor also stated that “if it gets to be around that time” – *i.e.*, the end of the 90-day period – “and you think with a little more time you can get to yes, and you want to put that off, you can let me know,” and scheduled a status conference for April 11, 2024. *See* Nov. 29, 2023 Transcript of Proceedings at 38:18-22.

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On January 16, 2024, Wave filed a “Master Complaint” pursuant to Your Honor’s order. Wave attached to the Master Complaint and incorporated by reference a compendium of almost 1,500 pdf versions of attorney-client privileged spreadsheets.

### **Work Accomplished**

On February 12, 2024, Your Honor referred this action to the Honorable Victoria Reznik, United States Magistrate Judge. The parties agreed to have Judge Reznik facilitate settlement discussions.

To that end, on February 29, 2024, Judge Reznik held a status conference. After the conference, Judge Reznik ordered Plaintiff to provide more information and documents to Defendants, including (1) screenshot evidence of the alleged infringement for all Defendants to the extent Wave has it, (2) an electronic copy of Wave’s entire library of photographs, (3) and a native version of each of the almost 1,500 pdf spreadsheets attached to the Master Complaint. Given the size of the case and the number of documents at issue, these tasks required significant time and resources to complete. Still, Wave has timely produced the documents and information to Defendants, and is still in the process of producing screenshot evidence of the infringement for certain Defendants.<sup>1</sup>

Wave also identified a subgroup of almost 40 Defendants who, based on Wave’s current knowledge, have committed display-only infringement (as opposed to display infringement, plus widespread distribution, advertising and marketing of the photos), and suggested that a first settlement conference with Judge Reznik be limited to this subgroup of Defendants. On March 15, 2024, Wave submitted to each of the “Display-Only” Defendants a formal settlement demand.

After Wave submitted settlement demands, Judge Reznik scheduled *ex parte* pre-settlement conference calls with the relevant parties, including with Wave on April 22, 2024.

### **Request for Additional Time**

Wave hereby respectfully requests an additional 90 days for the parties to attempt to resolve the case with Judge Reznik.

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<sup>1</sup> Judge Reznik also ordered Defendants to disclose the existence and extent of their insurance coverage, including the names of their insurers, the policy limits, and whether there is a reservation of rights. Some Defendants have complied, while others have yet to fully disclose this information.

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Wave is confident that it can resolve the matter with many Defendants if given the time, and that the next 90 days of settlement discussions will be far more productive than the first, where (i) the first 30 days were spent arranging a conference with Judge Reznik, (ii) the next 30 days were spent exchanging documents, information and settlement demands, and (iii) the last 30 days were spent arranging *ex parte* calls with Judge Reznik.

Furthermore, the 90-day period ends *before* Wave will even speak with Judge Reznik about its first round of settlement demands. Wave believes that an additional 90 days will give the parties sufficient time to, as Your Honor put it, “get to yes.”

Should Your Honor grant Wave’s request for additional time, Wave also respectfully requests that the Court adjourn the April 11, 2024 status conference and set it for a later date.

Respectfully Submitted,

*Gabriel Berg*

Gabriel Berg  
Partner